

REMARKS

The Applicant appreciates the indication of allowable subject matter in claims 17-30. Upon entry of the foregoing amendment, claims 1-2, 17-19, and 21-34 are pending in the application with claims 1, 17, 19, 21, 22, 23, and 31 being independent claims. Claims 17 and 19-22 have each been converted into independent form and amended to include the limitations of independent claim 1. Independent claim 1 has been amended to include the subject matter of claim 20 and claim 20 has been canceled without prejudice to or disclaimer of the subject matter therein. Claims 3-16 were previously canceled. No new subject matter has been introduced by these amendments.

Interview Summary

On behalf of the Applicant, the undersigned wishes to express appreciation to Examiners Au and Zimmerman for the courtesies extended during the interview conducted on February 21, 2007. Amendments related to the allowable subject matter of claims 17-22 were discussed. The Examiners agreed that removing the word “passive” from “passive radio frequency tag” as recited in independent claim 1 and its dependent claims would not necessitate a new search or affect the allowable status of the allowable subject matter in claims 17-22. The Examiners also agreed that the subject matter of claims 31-34 was described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention pursuant to 35 U.S.C. § 112, first paragraph.

Allowable Subject Matter of Claims 17-30

The Applicant appreciates the indication of allowable subject matter in claims 17-30.

Claims 1-2, 17-19, and 21-22 are Allowable

Claims 1-2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,803,856 to Murphy et al. (“the Murphy patent”) in view of U.S. Patent No.

5,959,568 to Woolley ("the Woolley patent") and further in view of U.S. Patent No. 7,009,517 to Wood ("the Wood patent"). The claims have been amended based on the allowable subject matter in claims 17-22. Specifically, independent claim 1 has been amended to include the allowable subject matter of claim 20. Claims 17 and 19-22 have each been converted into independent form and amended to include the limitations of independent claim 1. Claim 18 has been amended to depend from independent claim 17. These claim amendments have been made to expedite prosecution and Applicant reserves the right to pursue the unamended subject matter in a continuation application. Accordingly, Applicant respectfully requests that the outstanding rejection of the claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Claims 31-34 Comply with 35 U.S.C. § 112, First Paragraph, and are Allowable

Claims 31-34 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. As was discussed during the interview, and as the Examiners agreed, claims 31-34 comply with the requirements of 35 U.S.C. § 112, first paragraph. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn and the claims allowed.

CONCLUSION


Applicant believes that a full and complete response has been made to the outstanding rejections and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided. Prompt and favorable consideration of the Amendment to the claims is respectfully requested.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: 3/7/2007

Cooley Godward Kronish LLP
ATTN: Patent Group
1200 19th Street, N.W., 5th Floor
Washington, DC 20036
Tel: (703) 456-8000
Fax: (202) 842-7899

Respectfully submitted,
COOLEY GODWARD KRONISH LLP

By: 
Daniel M. Bennett
Reg. No. 54,993